REASONS FOR ALLOWANCE

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen Kaiser on May 14, 2008.

The application has been amended as follows:

In the Claims:

Please cancel claim 10.

Corrected Drawings

Corrected drawings must be submitted.

Drawings 1-7 all have one or two letters missing in the left hand x axis title, for example "G l strength (forc (grams))" on Figure 1. It is believed that this was meant to be "Gel strength (force (grams))". Correction is required.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Applicant's arguments, filed 3/28/08, specifically Remarks page 6 paragraphs 2 and 3, discussed in the interview on May 9, 2008, with respect to the Hanchett et al. reference, US 2002/0102344 have been fully considered and are persuasive. The rejections including the reference, both 102(b) and 103(a) have been withdrawn. The reference was relied upon as teaching a sago starch with the claimed viscosity of 400-1000 Brabender units, a Brabender Viscosity Differential (BVD) of between -35BVD and 25BVD, and the method of treating starch by inhibiting, converting, and pregelatinizing. Applicant argues that Hanchett does not teach of the same order of starch modifications and thus the same final product as instantly claimed. Evidence of this is seen in the product characteristics taught by Hanchett. Specifically, the viscosity of the starch as

taught by Hanchett is different than that as instantly claimed. Hanchett, Figure 4 and paragraphs 50-51, teach heating modified starch from 0-40 minutes up to 92C and then cooling at 4C per minute from 41 to 90 minutes. As seen in Figure 4, during heating up to about 95C or during the time 0-40 minutes, the sago starch has a very low viscosity, far below the instantly claimed viscosity of about 400-1000 Brabender units when heating from 50C up to 95C. The references does not teach or suggest a starch that has been modified to posses the instantly claimed properties. The references does not teach or suggest a method of modifying starch to obtain a starch possessing the instantly claimed properties. Furthermore, there is no suggestion or motivation from the prior art or within the knowledge of one of ordinary skill in the art to produce a starch with the instantly claimed properties or a method of modifying starch to obtain a starch with the instantly claimed properties.

The other closest prior art of record (submitted by applicant on the IDS), Chiu et al., US 4207355 teach of a similar method and product to that as instantly claimed. Chiu teach of converting by enzyme conversion, then inhibiting the starch by crosslinking with 0.01-0.06% phosphorous oxychloride, and then pregelatinizing a modified tapioca starch (Column 2 lines 18-36 and 50-68, Column 3 lines 1-5 and 43-60, and Column 5 lines 30-40). The reference is specifically directed towards modified tapioca starches. The references, further, teaches away from using other starch bases by teaching that the process is unsuccessful with other starches, such as corn starch (Chie Example 12). One of ordinary skill in the art would not have been motivated to look to the art or the knowledge available to one of ordinary skill in the art to substitute the tapioca starch base with another starch base, such as sago, as instantly claimed. There is no suggestion or teaching or motivation of the prior art to do so. There is a teaching in the prior art not to do so.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Mahafkey whose telephone number is (571) 272-2739. The examiner can normally be reached on Monday through Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 1794

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